

**CLERK'S SUMMARY AND OFFICIAL MINUTES  
MAYOR'S MENTAL HEALTH TASK FORCE  
BAKER ACT/INVOLUNTARY OUTPATIENT PLACEMENT  
SUBCOMMITTEE MEETING  
MARCH 17, 2006**

The Baker Act/Involuntary Outpatient Placement (IOP) Subcommittee of the Mayor's Mental Health Task Force (MMHTF) met at the Rhode State Building, 401 NW 2<sup>nd</sup> Avenue, N-423, Miami, Florida 33128 at 10:25 a.m. on March 17, 2006, there being present Ms. Deborah Dummitt, Adult Mental Health Manager, Department of Children and Families (DCF); Honorable Lewis Kimler, Magistrate, 11<sup>th</sup> Judicial Circuit; Anders Madsen, Esq., Administrative Office of the Courts; Ms. Judith Robinson, National Alliance for the Mentally Ill (NAMI); Mr. Bernie Breiter, Mercy Hospital; Ms. Jennifer Holtz, Licensed Mental Health Supervisor, Substance Abuse and Mental Health Program; Ms. Jacqueline Mckeown, Cedars Medical Center; Ms. Martha Alamo, Westchester/Southern Winds Health Network; Ms. Donna Johnson, Citrus Health Network; Mr. Mario Jardon, Citrus Health Network; Mr. Roland Berthold, Department of Children and Families (DCF); Ms. Pat Cawley, Camillus House; Assistant Public Defender Rebecca Coury; Ms. Joanna Cardwell, DCF; Ms. Jean Badio, Cedars Medical Center; Ms. Orissa Russ, Clerk of Courts; Assistant State Attorney Lourdes Roberts; Ms. Alina Perez-Sheppe, Administrative Office of the Courts; Mr. Mohamed Hafidh, CHI; Ms. Tracy Rodriguez, Miami Behavioral Health Center; Ms. Carolyn Wilson, New Hope Drop-Inn Center; Mr. Hector Casillo, Miami Behavioral Health Center; Ms. Windi Donald-Jackson, North Community Mental Health Center; Ms. Agatha Samuel, Cedars Medical Center; Ms. Rebecca Maden, Administrative Office of the Courts; Amrita Hansra, Jackson North Community Mental Health Center; Mr. John Kowal, Jail Diversion Program; Ms. Elinette Garcia-Navarro, J.D. Office of the Mayor, Ms. Valda Clark Christian, Miami-Dade County Attorney's Office and Deputy Clerk Linda Derleth.

**1. Welcome and Introductions**

Ms. Deborah Dummitt, Department of Children and Families, called the meeting to order at 10:25 a.m. and welcomed everyone present.

The Subcommittee members and other participants at today's meeting introduced themselves.

**2. Review Minutes for February 10, 2006 Workgroup Meeting**

The subcommittee by motion duly made, seconded, and carried, voted to approve the minutes of February 10, 2006.

### **3. Reports and Written Recommendations from Subcommittees**

- **Donna Johnson – Review of Chapter 765, F.S. regarding Liability**

Ms. Donna Johnson summarized her memorandum entitled, “Proposed Legislative Amendment regarding Guardian Advocates for IOP and Florida Statute Chapter 765,” noting this chapter addressed advance directives. She stated Florida Statute Chapter 765.109 provided for immunity from criminal prosecution or civil liability for a provider or health care facility that carried out a health care decision and also immunity to the surrogate or proxy who made a health care decision on behalf of a patient. Ms. Johnson indicated there would be no immunity if it was proven by a preponderance of the evidence that the person authorizing or effectuating a health care decision did not in good faith comply with the provisions of Chapter 765.

In addition, Ms. Johnson noted, there was criminal liability for the willful concealment, cancellation, or destruction of a directive or forging of a revocation or amendment of an advance directive.

Discussion ensued regarding the foregoing memorandum and liability issue and whether the Subcommittee could identify a sponsor in the Florida legislature to propose legislation that would provide additional liability protection.

- Darlene Adams (consulting with Citrus Health Network & JMH) – suggestion for Guardian Advocate Training Manual Inclusion of De-escalation

Not Presented

- Tim Coffey and Mario Jardon – Update Regarding Recovery/Low-Demand Model

Not Presented

### **4. Joanna Cardwell – Residential Services Currently Available in District 11**

Ms. Joanna Caldwell summarized the residential mental health services that were currently available in Miami-Dade County, noting the information was based on the 04-05 capacity with very little change to the present time.

Ms. Dummitt indicated Miami-Dade County had a population of 2.2 million and approximately 9% of the population was chronically mentally ill, approximately 174,000 persons. She stated the County did not have enough beds or funding to provide additional care, and she noted the State and County were working with providers to maximize mental health services. Ms. Dummitt noted peer support programs would begin next month that would provide person centered assistance and involve family and consumers in all aspects of treatment.

Mr. Mario Jardon expressed concern that additional beds were needed to assist the mentally ill, and he noted the number one priority of the Homeless Trust this year was a program that utilized a recovery/low-demand model for housing a significant number of people. Mr. Jardon stated he would meet with Mr. David Raymond of the Homeless Trust to explore the feasibility of additional housing for the mentally ill, using State, County, and Homeless Trust resources.

**5. Review of District 11 SAMH Strategic Plan and New Mental Health Transformation Initiative – Not presented**

**6. Transportation Exception for Mental Health Facility in District 11 – develop subcommittee to develop plan**

Ms. Alina Perez Sheppe stated the proposed Jail Diversion Mental Health Facility would target persons charged with misdemeanors and third degree felonies for jail diversion. She indicated defendants would be transported to the proposed new facility awaiting trial and various levels of treatment would be available. Ms. Sheppe advised that a transportation exception to the Baker Act was needed to transport defendants to this proposed facility.

Ms. Dummitt noted an exemption to the Baker Act was needed because the Act required that individuals had to be taken to the nearest facility that accepted such patients. She said Ms. Sylvia Quintana had requested this item be discussed at today's meeting so that a work group or subcommittee could be established to pursue this exemption. Ms. Dummitt indicated Ms. Quintana suggested that Commissioner Seijas or Judge Korvick could be invited to serve on the committee that would be established to address this issue.

Following further discussion, Ms. Dummitt tabled this item and stated she would ask Judge Leifman to discuss the item at the next meeting.

**7. Recommendation regarding Mental Health Office of Miami-Dade County**

Ms. Dummitt stated Ms. Sylvia Quintana wanted this subcommittee to recommend to Mayor Alvarez that a County Mental Health Office be established to oversee the needs of the mentally ill.

Following discussion, it was moved by Ms. Pat Cawley that the subcommittee recommend to Mayor Alvarez that an Office of Mental Health be established. This motion was seconded by Mr. Mohammad Hafidh, and upon being put to a vote, passed by a unanimous vote of those members present.

**8. Additional Business**

Ms. Dummitt stated the University of Virginia had received a grant from the John D. and Katherine T. McArthur Foundation to study outpatient mental health treatment, noting the grant would fund a three year study regarding legally mandated treatment for people

with mental disorders. She noted this study would provide scientific data for developing effective policies and practices on whether and how to mandate community treatment.

**9. Next Meeting**

Ms. Dummit announced the next Subcommittee meeting was scheduled for April 21, 2006 from 10 a.m. to 12 noon.

There being no further business to come before the Baker Act/Involuntary Outpatient Placement Subcommittee, the meeting was adjourned at 11:50 a.m.